

## **REMARKS**

Reconsideration of the application is respectfully requested in view of the following remarks.

The Office points to no teaching by Jonas of a product containing milk proteins. Indeed (column 3, lines 33-37), milk is presented as a disadvantage. Moreover, the undersigned has been informed that the process as described at column 2, lines 25-68 would lead to an immediate precipitation of milk protein if any were present.

Turning to Koss, the Office points to no example which lacks a stabilizer and an emulsifier as presently recited. Indeed, it is by no means clear that the Office's interpretation of page 9, lines 11-13 that stabilizers are optional is correct particularly since stabilizers are included in Examples I-IV. Moreover, the undersigned has been informed that none of the examples contain enough fruit to provide the recited amounts of soluble and insoluble dietary fibre.

It is not understood how or why one of ordinary skill would combine Koss and Jonas and arrive at the present invention particularly since Jonas specifically teaches against the use of MSNF.

It is therefore requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully requested that the application, as amended, be allowed.

Respectfully submitted,



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Gerard J. McGowan, Jr.  
Registration No. 29,412  
Attorney for Applicant(s)

GJM/pod  
(201) 894-2297